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Robert R. Corbin

October 13, 1983

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ARIZONA ATTORNEY GENERAL

Mr. Timothy Barrow, Director
Arizona Department of Racing
Room 437, 1645 West Jefferson
Phoenix, Arizona 85007

Re: I83-112 (R83-093)

Dear Mr. Barrow:

In your letter dated July 8, 1983, you asked for advice concerning implementation of the funding provisions set forth in A.R.S. § 5-111.G¹.

That statute establishes a County Fair Racing Fund ("the Fund") into which is deposited 3% of all monies received by the State from the pari-mutuel handle at racetracks. The statute further provides that, at the end of each fiscal year, unexpended monies in that Fund, in excess of \$75,000, revert to the General Fund.

1. The statute reads as follows:

A County Fair Racing Fund is established. The State Treasurer shall administer the Fund. The State Treasurer shall deposit three percent of all monies received by this State pursuant to this section into the County Fair Racing Fund. Subject to Legislative appropriation, the Department shall use Fund monies for the administration of county fair racing. Any monies remaining unexpended in the fund at the end of the fiscal year in excess of seventy-five thousand dollars shall revert to the State General Fund.

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Regardless of legislative appropriations for the following fiscal year, County Fair Racing Fund monies in excess of \$75,000 that are not expended^{2/} on June 30, 1984 must revert to the General Fund. County fair racing is to be administered during the ensuing fiscal year with the amount (not to exceed \$75,000) remaining in the Fund, plus monies deposited in the Fund pursuant to A.R.S. § 5-111.G during the year. Money in the Fund may be used by the Department, subject to legislative appropriation.

Sincerely,



BOB CORBIN
Attorney General

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2. Warrants may be drawn for sums expended prior to the end of the fiscal year for a period of one month thereafter, A.R.S. § 35-190.B.